



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

Brian Svoboda, Esq.  
Perkins Coie  
608 Fourteenth Street, NW, Suite 800  
Washington, D.C. 20005

JAN 16 2007

RE: MUR 5547  
Martin Frost Campaign Committee  
and Bonnie Breazeale, in her  
official capacity as treasurer

Dear Mr. Svoboda:

On January 5, 2007, the Federal Election Commission accepted the signed conciliation agreement submitted by your clients, Martin Frost Campaign Committee and Bonnie Breazeale, in her official capacity as treasurer, in settlement of a violation of 2 U.S.C. § 441d(c)(2), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Delbert K. Rigsby". The signature is written in a cursive, flowing style.

Delbert K. Rigsby  
Attorney

Enclosure  
Conciliation Agreement

27044153533

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 5547

Martin Frost Campaign Committee and )  
Bonnie Breazeale in her official capacity as treasurer. )

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2006 DEC -5 A 8:57

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by Chris Homan. The Federal Election Commission ("Commission") found reason to believe that Martin Frost Campaign Committee and Bonnie Breazeale, in her official capacity as treasurer ("Respondents"), violated 2 U.S.C. § 441d(c)(2).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Martin Frost Campaign Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

27044153579

2 Bonnie Breazeale is the treasurer of Martin Frost Campaign Committee.

3. Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, such communication if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. *See* 2 U.S.C. § 441d(a)(1).

4. Public communication is defined as, among other things, a mass mailing, which means a mailing by United States mail or facsimile of more than 500 pieces of mail of an identical or substantially similar nature within any 30-day period. 11 C.F.R. §§ 100.26 and 100.27.

5. Any disclaimer in a printed communication described in 2 U.S.C. § 441d(a) must be contained in a printed box set apart from the other contents of the communication. 2 U.S.C. § 441d(c)(2). *See also* 11 C.F.R. § 110.11(c)(2)(ii).

6. Respondents paid for three commercial mailings that affixed properly worded disclaimers in the return address location. On each of the three mailings, the disclaimer was of sufficient type size to be clearly readable by the recipient of the communication and printed with a reasonable degree of color contrast between the disclaimer and its background. However, the disclaimers were not contained in a printed box set apart from the other contents of the communications. *See id.*

V. 1. Respondents disbursed funds for three commercial mailings containing disclaimers that were not placed in a printed box set apart from the other contents of the communication, in violation of 2 U.S.C. § 441d(c)(2).

2. Respondents will cease and desist from violating 2 U.S.C. § 441(d)(c)(2).

2704415350

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Thousand dollars (\$6,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

2704115531

X. This Conciliation Agreement constitutes the entire agreement among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION

Lawrence H. Norton  
General Counsel

BY: *Rhonda J. Vosdigh*  
Rhonda J. Vosdigh  
Associate General Counsel  
for Enforcement

*1/12/07*  
Date

FOR THE RESPONDENTS

*Bonnie Brezgate*  
(Name)  
(Position) *Treasurer*

*11/25/06*  
Date

27044133582